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8 Attorneys for Defendants, AMERICAN CASUALTY CO. OF READING, PA; DICK  
9 CORPORATION; DICK/MORGANTI, a joint venture; DICK/MORGANTI/NIBBI, a joint  
10 venture; MORGANTI TEXAS, INC.; and NATIONAL UNION FIRE INSURANCE  
11 COMPANY OF PITTSBURGH, PA,

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA, for the  
15 use and benefit of SMITH EMERY  
16 COMPANY,

17 Plaintiff,

18 vs.

19 AMERICAN CASUALTY CO. OF  
20 READING, PA; DICK CORPORATION;  
21 DICK/MORGANTI, a joint venture;  
22 DICK/MORGANTI/NIBBI, a joint venture;  
23 MORGANTI TEXAS, INC.; and  
24 NATIONAL UNION FIRE INSURANCE  
25 COMPANY OF PITTSBURGH, PA,

26 Defendants.

Case No.: 3:08-cv-00363-JCS

**PROOF OF SERVICE**

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PECKAR & ABRAMSON, 455 Market Street, 21<sup>st</sup> Floor, San Francisco, California 94105. On February 15, 2008, I served the within documents:

**1. NOTICE OF SETTLEMENT**

**2. [PROPOSED] ORDER FOR ADMINISTRATIVE STAY PURSUANT TO NOTICE OF SETTLEMENT.**

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as follows:

Howard Goodman, Esq.  
Law Offices of Howard Goodman  
18321 Ventura Boulevard, Suite 915  
Tarzana, CA 91356-4228  
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*Attorney for Plaintiff, Smith Emery Company*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and Fed Ex. Under these practices it would be deposited with U.S. Postal Service or Fed Ex on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 15, 2008, at San Francisco, California.

Marissa Y. Otellini

/s/ Marissa Y. Otellini

Printed Name

Signature Line